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UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK

-----X

LERIN PIERCE,
Plaintiff,

-against-

Index No.
16 CV 5703 (BMC)
CITY OF NEW YORK, P.O. TAQI, P.O. SONIA
BELLARDO, P.O. MERCADO, P.O. JOHN DOES
1-3,
Defendants.

-----X

January 19, 2017
2:52 p.m.
100 Church Street
New York, New York

DEPOSITION of ZEESHAN TAQI, the
the Defendant herein, taken by the
Plaintiff, pursuant to Article 31 of the
Civil Practice Law and Rules of
Testimony, and ORDER, held at the
above-mentioned time and place, before
Maryellyn Feiler, a Notary Public of the
State of New York.

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2 A P P E A R A N C E S:

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GREGORY S. ANTOLLINO, ESQ.

Attorneys for Plaintiff

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275 7th Avenue

New York, New York 10001

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BY: GREGORY S. ANTOLLINO, ESQ.

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NEW YORK CITY LAW DEPARTMENT

8

Attorneys for Defendants

100 Church Street

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New York, New York 10007

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BY: VALERIE E. SMITH, ESQ. AND CURT

P. BECK, ESQ.

11

ALSO PRESENT:

12

Lerin Pierce

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1 Z. TAQI

2 Q. 84 is that your precinct?

3 A. I arrived at that location at 12:18.

4 Q. All right. What is -- how does this
5 remind you of arrival?

6 A. That's the radio code that we use to
7 arrive by location.

8 Q. Which one?

9 A. 1084.

10 Q. It just happens to coincide with your
11 precinct, that's why it confused me, okay.

12 And did you have a discussion with
13 either of these individuals?

14 MS. SMITH: Objection. Asked and
15 answered.

16 A. I had -- Mr. Samuels stated to me Mr.
17 Pierce stole the cell phone from the
18 store.

19 Q. Did Mr. Pierce say anything in
20 response?

21 A. I don't remember.

22 Q. What happened then?

23 A. I asked for additional units to come
24 assist.

25 Q. Okay. And is that indicated on here

1 Z. TAQI

2 MS. SMITH: Objection.

3 A. No.

4 Q. Why wouldn't it be vouchered?

5 MS. SMITH: Objection.

6 A. Well, actually the receipt for the
7 phone case. The value of the phone case
8 was the receipt from the store which was
9 vouchered.

10 Q. Okay. The receipt was vouchered based
11 on Mr. Samuels accusation that it was
12 stolen, correct?

13 MS. SMITH: Objection.

14 A. Yes.

15 Q. As far -- you didn't go into the
16 store, correct?

17 MS. SMITH: Objection.

18 A. No.

19 Q. You didn't ask Mr. Samuels where he
20 found the phone case, correct?

21 MS. SMITH: Objection.

22 A. No.

23 Q. Did you ever speak to Mr. Samuels
24 after that day?

25 A. No.

1 Z. TAQI

2 Q. Did you recognize Mr. Pierce when you
3 saw him today?

4 MS. SMITH: Objection.

5 A. Yes.

6 Q. As far as you know the phone case
7 might have been found in the store,
8 correct?

9 MS. SMITH: Objection.

10 A. I don't know.

11 Q. So if you don't know it could have
12 been found by Mr. Samuels in the store?

13 MS. SMITH: Objection. Calls for
14 speculation.

15 A. I don't know.

16 Q. If you were to pick a place where Mr.
17 Samuels found the phone case it would be
18 speculative, correct?

19 A. Yes.

20 Q. All right. So Mr. Samuels makes an
21 accusation against Mr. Pierce and beyond
22 with Mercado and Belardo arrive and what
23 happened then; is there any discussion,
24 withdrawn.

25 After Mercado and Belardo arrive, is

1 Z. TAQI

2 there any discussion that takes place
3 between any of the people present?

4 MS. SMITH: Objection.

5 A. Mr. Samuels stated to me that Mr.
6 Pierce stole a phone case from his store.

7 Q. He said it again or?

8 A. Just that time when I got to the
9 location.

10 Q. I'm talking about after Belardo and
11 Mercado arrive what, if anything,
12 additional was discussed?

13 A. I asked Mr. Pierce "what's going on?"

14 Q. Did Mr. Pierce respond?

15 A. I don't know.

16 Q. Would it be fair to say you don't
17 remember?

18 A. I don't remember, correct.

19 Q. So he could have said something or not
20 you just don't recall?

21 A. Correct.

22 MS. SMITH: Objection.

23 Q. After that moment what happened?

24 A. Then I took out my handcuffs and I
25 told Mr. Pierce to turn around and I went

1 Z. TAQI

2 to place the handcuffs on Mr. Pierce. At
3 which point Mr. Pierce ran on Flatbush
4 Avenue.

5 Q. So you told Mr. Pierce to turn around
6 because you were gonna place the handcuffs
7 on him?

8 MS. SMITH: Objection.

9 A. Yes.

10 MR. BECK: Off the record.

11 (A discussion was held off the
12 record.)

13 Q. You were going to put the handcuffs on
14 Mr. Pierce, why?

15 A. Because I have the complainant stating
16 that he stole a cell phone case from his
17 store.

18 Q. What does that mean?

19 MS. SMITH: Objection.

20 A. I have the complainant from the Radio
21 Shack stating that Mr. Pierce stole the
22 phone case from the store.

23 Q. So you were putting Mr. Pierce under
24 arrest?

25 MS. SMITH: Objection.

1 Z. TAQI

2 A. Correct.

3 Q. So he was under arrest at that point?

4 MS. SMITH: Objection.

5 A. When I told him, yes.

6 Q. So when you told him turn around he
7 was under arrest?

8 MS. SMITH: Objection.

9 A. Yes.

10 Q. And did you say "you are under
11 arrest?"

12 A. Yes.

13 Q. What happened then?

14 A. Mr. Pierce ran on Flatbush Avenue.

15 Q. Um-hmm.

16 MS. SMITH: Is that a question?

17 MR. ANTOLLINO: Well, no, I'm
18 just saying Mr. Pierce ran on Flatbush
19 Avenue.

20 Q. Why don't you take out your map again?

21 MS. SMITH: Are you asking to
22 look at an exhibit?

23 MR. ANTOLLINO: Take out his map.

24 MR. BECK: Are you asking him to
25 look at Exhibit G?

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C E R T I F I C A T E

I, MARYELLYN FEILER, hereby certify that the Examination of said witness named in the foregoing transcript was held before me at the time and place herein named; that said witness was duly sworn before the commencement of the testimony; that the testimony was taken stenographically by myself and transcribed under my direction, that the party was represented by counsel as appears herein;

That the within transcript is a true record of the Examination of said witness;

That I that I am not connected by blood or marriage to any of the parties; that I am not interested directly or indirectly in the outcome of this matter; that I am not in the employ of any of the counsel.

IN WITNESS WHEREOF, I have hereunto set my hand this 19th day of January, 20



MARYELLYN FEILER